

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
Plaintiff, ) 8:13R190  
vs. )  
ELLIS CHAPMAN, )  
Defendant. ) ORDER

This matter is before the court on the motion to continue by counsel for the government (Filing No. 19). The motion seeks a continuance of the trial of this matter which is scheduled for September 23, 2013, due to schedule conflicts. The court held a telephone conference with counsel on September 5, 2013. The government was represented by Assistant U.S. Attorney Robert C. Sigler and Chapman was represented by Assistant Federal Public Defender Richard H. McWilliams. Both counsel agreed on a new trial date of September 30, 2013. Accordingly, the motion to continue will be granted.

**IT IS ORDERED:**

1. The motion to continue trial (Filing No. 19) is granted.  
2. Trial of this matter is re-scheduled for **September 30, 2013**, before District Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 23, 2013, and September 30, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 5th day of September, 2013.

BY THE COURT:  
s/ Thomas D. Thalken

United States Magistrate Judge